

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2017

CORAM

THE HONOURABLE MR. JUSTICE S. BASKARAN

Crl.R.C.No.20 of 2017

K.P.Ramanathan

... Petitioner

Vs

State rep. by
The Inspector of Police,
CBI/ACB/Chennai,
RC.MA 1/0018.

... Respondent

Criminal Original Petition filed under Section 397 and 401 of Cr.P.C. to set aside the order passed in Crl.M.P.No.6128 of 2016 in C.C.No.25 of 2015 on the file of the learned XIII Additional Special Judge of CBI cases, Chennai by its order dated 20.12.2016 and to direct the learned XIII Additional Special Judge of CBI cases to grant permission for the petitioner's travel abroad.

For Petitioner : Mr.Sunder Mohan

For respondent : Mr.K.Srinivasan,
Special Public Prosecutor.

O R D E R

The petitioner has come forward with this petition to set aside the order dated 20.12.2016 passed in Crl.M.P.No.6128 of 2016 in C.C.No.25 of 2015 on the file of the learned XIII Additional Special Judge of CBI cases, Chennai and to grant permission for the petitioner to go abroad.

2.The learned counsel for the petitioner has submitted that the petitioner was working as Chief Mechanical Engineer in Chennai Port Trust and retired from service on 31.05.2010. While so, a case was registered in R.C.No.18/A/2011 against the petitioner and others under Sections 120-B r/w 420 IPC and Sections 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988. At the time of conducting search, the passports of the petitioner and his wife were seized by the respondent on 29.03.2011. During investigation, the petitioner filed a

petition in Crl.M.P.No.4418 of 2011 and the same was dismissed on 30.11.2011. As against the same, the petitioner filed Crl.R.C.No.170 of 2012 and the same was disposed of by directing the learned Judge to release the passports of the petitioner and his wife. Subsequently, the petitioner filed Crl.M.P.No.5359 of 2013 and the same was allowed on 24.09.2013 imposing certain conditions and thereafter, the conditions imposed in the said petition were modified by an order passed in Crl.O.P.No.26017 of 2013. Subsequently, the petitioner filed Crl.M.P.Nos.265 of 2014 and 3841 of 2015 and the same were allowed by the trial Court on 07.02.2014 and 05.06.2015 respectively, permitting the petitioner to go abroad. While so, the respondent filed charge sheet in C.C.No.15 of 2015 against the petitioner and others. Hence, the petitioner filed discharge petition before the trial Court and the same is pending. At this stage, the petitioner filed Crl.M.P.No.6128 of 2016 seeking permission to go to Australia for a period of three months and the same was dismissed. Aggrieved by the same, the present Criminal Revision Petition has been filed.

3.The learned counsel for the petitioner has submitted that the petitioner has to go to Australia for the period from 22nd January 2017 to 22 March 2017 to meet his daughter and to take care of his grandchildren who are residing there, for which, he filed a Crl.M.P.No.6128 of 2016 in C.C.No.25 of 2015 and the same was dismissed by the learned trial Judge by order dated 20.12.2016. Hence, the learned counsel requested this Court to grant permission to the petitioner to go to Australia.

4.The learned Special Public Prosecutor appearing for the respondent has contended that the matter is pending before the trial Court for framing charges. At this stage, if the petitioner is permitted to go to Australia, it will cause delay in proceeding with the matter. Hence, he opposed to allow the petition.

5.On a perusal of records, it is seen that the petitioner had already gone to United Kingdom along with his wife for a period of 90 days as per the order passed by this Court in Crl.R.C.No.170 of 2012 on 1.3.2012 on condition that on completion of the journey, the petitioner and his wife have to surrender their passports before the Court below. Accordingly, the petitioner has gone abroad and returned back to India.

6.On considering the facts and circumstances of the case and the arguments advanced by the learned counsel on either side, this Court is of the considered view that it is appropriate to permit the petitioner to go to Australia, as he already went abroad earlier for a period of 90 days and returned back to India, as per the earlier order passed by this Court on 01.03.2012 in Crl.R.C.No.170 of 2012. Hence, there is no need

of apprehension at this stage to the prosecution that the petitioner might not return back. Accordingly, the petitioner is permitted to go to Australia for the period commencing from 22.1.2017 to 22.3.2017 by furnishing following particulars.

(i) The petitioner is directed to use his passport to travel abroad for the said purpose only.

(ii) The petitioner is directed to submit his tour plan/schedule before the trial Court and the respondent.

(iii) The petitioner is directed to submit all the certified copy of the travel documents viz., Visa, Air Ticket etc., related to his journey before the trial Court and the respondent.

(iv) The petitioner is directed to furnish his full address of stay, contact telephone numbers, E-mail I.D. etc., before the trial Court and the respondent.

(v) The petitioner is directed to give an undertaking by way of an affidavit before the trial Court that he will not extend their stay and return to India within his travel time stated above.

(vi) The petitioner is directed to submit the certified copy of the passport before leaving to abroad before the trial Court and respondent.

(vii) The petitioner shall execute a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) each to the satisfaction of the learned XIII Additional Special Judge of CBI Cases, Chennai.

(viii) The petitioner shall return his passport to the custody of the learned XIII Additional Special Judge of CBI Cases, Chennai within a period of ten days after returning to India.

7. The order dated 20.12.2016 passed in CrI.M.P.No.6128 of 2016 in C.C.No.25 of 2015 on the file of the learned XIII Additional Special Judge of CBI cases is set aside and the criminal revision petition is disposed of accordingly.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

cla

To

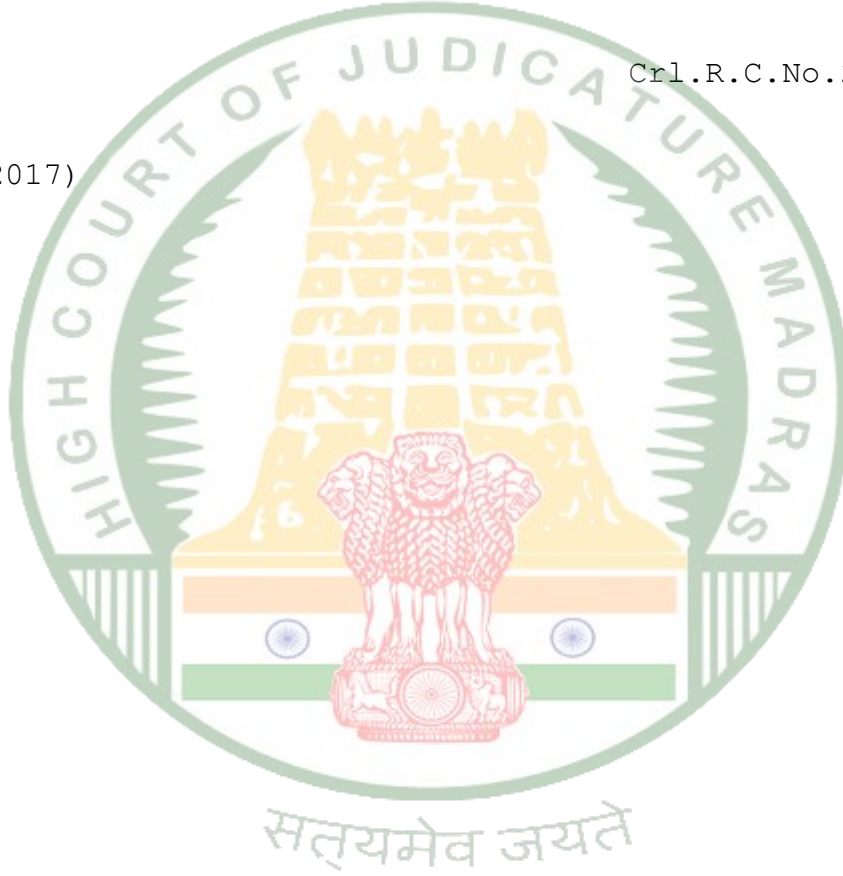
1.The XIII Additional Special Judge
of CBI cases
Chennai 600 006.

2.The Inspector of Police,
CBI/ACB/Chennai,
RC.MA 1/0018

3.The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.20 of 2017

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